

FAQ—What Educators Want to Know

Schools often have concerns and questions about child abuse and neglect. Some of the most frequent questions are addressed below.

- **What constitutes suspicion? How much investigating should I do?**

Suspicion of abuse or neglect is based upon indicators. Indicators consist of physical indicators (e.g., questionable injuries, consistent hunger, or poor hygiene), child behavioral indicators (e.g., begging or stealing food, fear of caretaker, or highly sexualized play), a child's statements reporting abuse or neglect, or a caretaker's statements (e.g., description of abusive or neglectful behavior).

Educators do not need to prove that abuse or neglect occurred to make a report to Child Protective Services. It is appropriate, however, to inquire about suspicious injuries and to support a child who discloses. ("Can you tell me what happened?" "I'm sorry that happened to you.") Educators should not press the child for details beyond what the child is willing to share. Schools should not be conducting their own investigations.

- **Is it appropriate for teachers to view a child's body areas that are covered by clothing when there is suspicion of abuse?**

When there is suspicion of abuse based upon the indicators described above (e.g., a child's report of inflicted injury or teacher observation of questionable injuries), a cursory, non-invasive observation of the reported injured areas may be appropriate, especially if the injury is located on appendages or non-private body parts. When observing injuries, the child's need for privacy should be respected. The child's consent should be obtained in a non-coercive manner. A child's refusal to show injured areas should be respected.

When the injuries are located in private body areas, the child should be referred to the school nurse.

Children should not be needlessly subjected to physical inspections. There must be sufficient cause to suspect that viewing the child's body would reveal evidence of injury.

- **What happens after I report?**

When a report of suspected child abuse or neglect is made, the Child Protective Services worker must determine if the situation described meets the legal definition of child abuse or neglect and whether Child Protective Services has the legal authority and responsibility to respond. If the report meets these criteria, Child Protective Services will interview the child and siblings—often at school. The Child Protective Services worker will also interview the parents or caretakers, the alleged perpetrator, and others having information about suspected abuse or neglect.

The Child Protective Services worker will conduct a child safety assessment, determine if abuse or neglect occurred or if there is risk of harm, and develop a service plan with the family when indicated. Services are provided as long as there is a risk of harm to the child.

- **Why don't I ever hear what happened to the child?**

Section 63.2-105 of the Code of Virginia permits the Child Protective Services worker to disclose information to an educator learned during the course of a Child Protective Services response (or during the provision of CPS services to a family) without the consent of the family, provided, in the judgment of the Child Protective Services worker, the educator has a legitimate need for information and disclosure is in the best interests of the child.

Persons who are designated to receive reports from mandated reporters in schools must notify the teacher or staff member who made the initial report when the report is made to Child Protective Services, who received the report, and any communication resulting from the report.

Minimally, Child Protective Services workers are required by policy to notify reporters that the report was unfounded or that necessary action was taken. This notification will go to the person who made the actual report to the local Department of Social Services.

It then becomes the responsibility of the school designee that made the report for the school to pass this information on to the school personnel who received the initial report.

- **When I reported my suspicions to the school administrator, he or she didn't report. What should I do?**

Section 63.2-1509 of the Code of Virginia allows teachers and staff, in lieu of a report to Child Protective Services, to immediately notify the person in charge or his/her designee "who shall make a report forthwith" to Child Protective Services.

Persons who are designated to receive reports from mandated reporters in schools must notify the teacher or staff member who made the initial report when the report is made to Child Protective Services, who received the report, and any communication resulting from the report. Liability for failure to report rests with the person in charge or designee.

If the school administrator does not report to Child Protective Services, the teacher may, as a mandated reporter, consider making the report to Child Protective Services.

Mandatory reporters are not required to make a report if they have actual knowledge that the same matter has already been reported to Child Protective Services (CPS).

- **What if the Child Protective Services worker tells the parent that I'm the one who reported?**

Federal regulations, the Code of Virginia, and Child Protective Services policy specify that the identity of the reporter be protected and not released unless by court order where the information provided by the reporter is necessary for a full disclosure of the child's situation.

- **Will the child be removed?**

Child Protective Services is required to try to prevent removal of the child whenever possible and to provide for the safety of the child in his or her own home. If, for the child's safety, it becomes necessary to separate the family, it is preferable that the alleged abuser/neglector leave the home. If it becomes necessary to remove the child, placement with relatives is considered to preserve a sense of family identity. When this is not possible, placement in foster care or group care may be necessary.

- **Will there be criminal charges against the parent?**

Child Protective Services is required to report certain cases of suspected child abuse or neglect to law enforcement and the local Commonwealth's Attorney for possible criminal prosecution. These cases include: child death, injury or threatened injury involving a felony or class 1 misdemeanor, sexual abuse, child abduction, any felony or class 1

misdemeanor drug offense involving a child, or contributing to the delinquency of a minor. Law enforcement may conduct joint interviews with Child Protective Services.

- **Where is the line between abuse and discipline?**

The intent of the child abuse reporting law is not to interfere with appropriate parental discipline but to respond to extreme or inappropriate parental/caretaker actions. Excessive corporal punishment can easily result in an unintended injury(ies) to a child due to the difference in size between an adult and a child, the presence of anger, and the use of force. Actions that are excessive or forceful enough to leave injuries are considered abusive.

- **If a child is abusing another child (peer or sibling) is it child abuse?**

Situations of child abuse, including sexual abuse, are reportable when the perpetrator is in a caretaking role (e.g., babysitter) or there is suspected lack of supervision by the parent/adult caretaker, enabling the activity to take place.

The following variables should be considered when assessing possible abuse, including sexual activity, between children:

- Whether the behavior is considered developmentally appropriate (e.g., fighting between same age children or sexual curiosity between same age children)
- The age difference between the victim and perpetrator
- The use of force or violence
- The nature and frequency of the abuse
- The existence of a power differential, knowledge differential, and gratification differential (sexual abuse) between perpetrator and victim

Children who perpetrate violence against other children may themselves be victims. Sexual perpetrators who are age 12+, engage in repetitive sexually exploitive behaviors, use violence, or demonstrate other anti-social behaviors should also be referred to law enforcement for possible prosecution due to difficulties with self-control and associated risk to others.

- **What if I suspect abuse in my personal life? Am I still required to report?**

Section 63.2-1509 of the Code of Virginia limits required reporting to persons acting in their professional or official capacities. Anyone, however, may report suspected child abuse or neglect.